

MESSAGE NO: 5154207 MESSAGE DATE: 06/03/2005

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/13/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING AND LIQUIDATION INSTRUCTIONS ON ANTIDUMPING DUTY
ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-
570-504)

MESSAGE NO: 5154207

DATE: 06 03 2005

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 504

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PERIOD COVERED: 05 13 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING AND LIQUIDATION INSTRUCTIONS ON
ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM
THE PEOPLE'S REPUBLIC OF CHINA (A-570-504)

1. ON 05/13/2005, IN RESPONSE TO A REQUEST BY HOME INTERIORS
AND GIFTS, INC. (HOME INTERIORS) THE DEPARTMENT OF COMMERCE (THE
DEPARTMENT) ISSUED A FINAL SCOPE RULING THAT ITS SET OF THREE
"SUNFLOWER" FLOATER CANDLES (ITEM NUMBER 12116) AND ITS TWO SETS
OF 12 "BAKED APPLE PIE" AND "VANILLA" TEA LIGHT CANDLES ARE NOT
WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING

PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-
504).

2. THE DEPARTMENT FOUND SUFFICIENT EVIDENCE ON THE RECORD TO DETERMINE THAT HOME INTERIORS' SET OF THREE "SUNFLOWER" FLOATER CANDLES (ITEM NUMBER 12116) SHOULD BE EXCLUDED FROM THE SCOPE OF THE ANTIDUMPING DUTY ORDER BECAUSE THESE CANDLES FULFILL THE REQUIREMENTS FOR THE DEPARTMENT'S 1987 NOVELTY EXCEPTION. THE DEPARTMENT ALSO FOUND SUFFICIENT EVIDENCE ON THE RECORD TO DETERMINE THAT HOME INTERIORS' TWO SETS OF 12 "BAKED APPLE PIE" AND "VANILLA" TEA LIGHT CANDLES SHOULD BE EXCLUDED FROM THE SCOPE OF THE ANTIDUMPING DUTY ORDER BECAUSE THEY ARE CHEMICALLY COMPOSED OF LESS THAN 50 PERCENT PARAFFIN WAX. THESE CANDLES, THEREFORE, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 05/13/2005, TERMINATE SUSPENSION OF LIQUIDATION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, FOR THE CANDLES LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE CANDLES LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF THE ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH

SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ALL OTHER ENTRIES OF PETROLEUM WAX CANDLES SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY 06:KLH).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party